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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,383	08/03/2000	John A. Ananian	NH1.P01	1189

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EXAMINER

CHANNAVAJJALA, SRIRAMA T

ART UNIT PAPER NUMBER

2164

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/632,383

Applicant(s)

ANANIAN ET AL.

Examiner

Srirama Channavajjala

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Claims 22-30 are pending in this application.
2. Examiner acknowledges applicant's response filed on 27 July, 2004
3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/28/2004 has been entered paper no. # 20 and a non-final Office action mailed on 5/12/2004.
4. Claims 1-21 have been cancelled, paper no. # 21
5. Claims 22-30 have been added, paper no. # 21.
6. Examiner acknowledges applicant's response filed on 10/14/2003, paper no. 12
7. Claim 4 has been amended, paper no. # 4.
8. Examiner acknowledges applicants preliminary amendment filed on 12/2/2002, paper no. # 6

Drawings

9. The drawings filed on 4/28/2004 are acceptable for examination purpose.

Information Disclosure Statement

10. The information disclosure statement filed on 7/10/24/2003, paper no. # 13 has been considered and a copy was enclosed with this office action, paper no. # 14.

11. The information disclosure statement filed on 7/25/2001, paper no. # 4 has been considered and a copy was enclosed with this office action, paper no. # 8.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 22-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kemp, US 2001/0047251 [based on non-provisional of provisional application no. 60/186,756, filed on March 03, 2000] in view of Isherwood, US Patent No. 5918219.

If a copy of a provisional application listed on the bottom portion of the accompanying Notice of References Cited (PTO-892) form is not included with this Office action and the PTO-892 has been annotated to indicate that the copy was not readily available, it is because the copy could not be readily obtained when the Office action was mailed. Should applicant desire a copy of such a provisional application, applicant should promptly request the copy from the Office of Public Records (OPR) in accordance with 37 CFR 1.14(a)(1)(iv), paying the required fee under 37 CFR 1.19(b)(1). If a copy is ordered from OPR, the shortened statutory period for reply to this Office action will not be reset under MPEP § 710.06 unless applicant can demonstrate a substantial delay by the Office in fulfilling the order for the copy of the provisional application. Where the applicant has been notified on the PTO-892 that a copy of the provisional application is not readily available, the provision of MPEP § 707.05(a) that a copy of the cited reference will be automatically furnished without charge does not apply.

13. As to Claim 22, Kemp teaches a system which including 'generating an interactive profile of a building for use in building and remodeling projects' [see Abstract]; 'a profiling engine executable on a remotely accessible server linked to a computer network' [fig 1-2, page 2, col 2, 0034, page 3, 0034, page 3, 0040, 0041, line 10-13], profiling engine executable on a remotely accessible server linked to a computer network corresponds to design expert system is connected through Internet as detailed in fig 2; 'the profiling engine being configured (a) to receive a plan set representing a physical description of the building at a point in time' [page 4, col 1, 0049, page 4, col 2, 0049, line 1-7], Kemp teaches various architectural components that including physical description for example buildings such as hospital and like; 'to create an electronic profile of the building based on the plan set' [page 4, col 1, 0048, page 4, col 2, 0049, line 5-6, 0050-0051]; 'to store the electronic profile in a profile database associated with

the profiling engine' [page 4, col 2, 0050]; 'a user-accessible management application executable on a user computing device linked to the computer network, the management application being configured' [see fig 1-2, page 7, 0140, line 1-5], user-accessible management application executable on a user computing device corresponds to authorized user accessing CAD system [page 4, 0046]; '(a) to store asset data for the building in an asset profile database, the asset data including at least some data relating to component parts added to the building post-construction' [page 5, 0087]; '(b) to enable a user to assign user-assigned asset modify the asset data over time' [page 6, 00127-0131,0136], Kemp specifically suggests for example edit functions that enable user to modify data as required; '(c) to communicate the asset data, including the user-assigned properties over the computer network' [page 7, col 2, 0146], 'an application engine executable on a remotely accessible server linked to a computer network' [page 8, col 1, 0147, line 15-19]; 'to receive the asset data from the management application, and to store the asset data with the user-assigned properties in the building profile stored in the enhanced profile database' [page 8, col 1, 0149, line 6-17, page 8, col 2, line 1-3, page 8, 0150, line 14-17, fig 6A-B]; 'to make the profile accessible to remote query via a computer network' [page 8, col 2, 0151, line 1-6];

'a build-to-order application executed on a third party computer linked to the application engine via computer network' [page 8, col 2, 0153, line 1-9], 'the build to order application being configured, in response to an authorized query for a preliminary estimate of a building project' [page 9, col 1, 0155, line 9-16]; 'to access the profile of the building via the application engine over a computer network' [page 8, col 2, 0150,

line 7-14]. It is however, noted that Kemp does not specifically teach 'generate a preliminary estimate for the project based on the profile of the building, wherein the preliminary estimate includes a preferred list of products for the component parts of the building', although Kemp teaches various information related to project for example: project schedule, construction start date, construction completion date, general function of the building and like [see page 8, 0147, fig 4]. On the other hand, Isherwood disclosed 'generate a preliminary estimate for the project based on the profile of the building, wherein the preliminary estimate includes a preferred list of products for the component parts of the building'[fig 4, col 7, line 57-67, col 8, line 1-12].

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Isherwood into computer aided design or CAD 3-D design model because, both Kemp and Isherwood both are directed to design and construction of building, more specifically Kemp is directed to designing of building using 3-D model [see Abstract], while Isherwood is directed to building construction projects, more specifically, estimation, collection of historic records, material planning, scheduling of construction job [col 4, line 35-51], and they both are same field of endeavor. One of the ordinary skill in the art at the time of applicant's invention to combine the references, more specifically modifying Kemp's fig 4 to incorporate the project estimation related components of Isherwood's fig 4 because that would have allowed users of Kemp to control total project value within the defined time

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and budget, bringing the advantages of cost and time saving as suggested by Isherwood [see col 4, line 1-8], thus improving overall efficiency of the system.

14. As to Claim 23, Isherwood disclosed 'preliminary estimate includes a cost estimate' [col 6, line 48-54, fig 2].

15. As to Claim 24, Kemp disclosed '(a) to identify the building code applicable to the building profiled, (b) to determine the compatibility of each product in the preferred list with the applicable building code' [page 7, col 2, 00143].

16. As to Claim 25, Kemp disclosed 'application engine is configured to select furnishings from the furnishings database that are compatible with the building based on the profile' [page 4, 0049, col 2, line 4-12, fig 6B, element 106]. On the other hand, Isherwood disclosed 'preliminary estimate' [col 6, line 48-54, fig 2].

17. As to Claim 26, Isherwood disclosed 'builder/contractor database, wherein the application engine is configured to obtain a price quotation from the builder/contractor database, and include the price quotation in the preliminary estimate' [fig 3,col 7, line 44-56].

18. As to Claim 27, Isherwood disclosed 'material database containing information on type, price, and supply of materials, wherein the application engine is configured to (a) select appropriate type of materials for the building project based on the electronic profile of the building' [col 5, line 1-20]; 'obtain price and supply information for material, and (c) include type, price, and supply information for materials in the preliminary estimate' [col 6, line 48-67].

19. As to Claim 28, Kemp teaches a system which including 'creating an electronic profile of a building, including a three-dimensional representation of the building and its component parts, the electronic profile being based on a plan set of the building [see Abstract, fig 6A, page 2, col 2, 0021, page 8, col 1, 0149];

'storing the electronic profile on a database associated with a remotely accessible server, the server being linked to a computer network and configured to execute an application engine configured to communicate with the database and modify the stored profile' [page 8, col 2, 0151-0152];

'receiving asset data input at a management application accessed by an authorized user via a user computing device' [fig 7, page 8, col 2, 0151];

'at least a portion of which asset data represents one or more post-construction component parts added to the building after initial construction of the features shown in the plan set' [page 8, col 1, fig 5, 0148];

'communicating the asset data input from the management application to an application engine on the remotely accessible server' [fig 2];

'updating the electronic profile of the building to include the asset data input from the authorized user' [page 8, col 2, 0153];

It is however, noted that Kemp does not specifically teach 'preliminary estimate for a project based on the profile of the building, third party server linked to a computer network', although Kemp teaches various information related to project for example: project schedule, construction start date, construction completion date, general function of the building and like [see page 8, 0147, fig 4]. On the other hand, Isherwood disclosed "preliminary estimate for a project based on the profile of the building," [fig 4, col 7, line 57-67, col 8, line 1-12], 'third party server linked to a computer network' [col 8, line 1-3].

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Isherwood into computer aided design or CAD 3-D design model because, both Kemp and Isherwood both are directed to design and construction of building, more specifically Kemp is directed to designing of building using 3-D model [see Abstract], while Isherwood is directed to building construction projects, more specifically, estimation, collection of historic records, material planning, scheduling of construction job [col 4, line 35-51], and they both are same field of endeavor. One of the ordinary skill in the art at the time of applicant's invention to combine the references, more specifically modifying Kemp's fig 4 to incorporate the project estimation related components of Isherwood's fig 4 because that would have allowed users of Kemp to control total project value within the defined time

and budget, bringing the advantages of cost and time saving as suggested by Isherwood [see col 4, line 1-8], thus improving overall efficiency of the system.

20. As to Claim 29-30, Isherwood disclosed 'preliminary estate includes a list of recommended products based on parameters in the electronic profile' [col 6, line 48-54, fig 2.4].

Response to Arguments

Applicant's arguments at page 7-15 with respect to claims 22-30 have been fully considered, but they are not persuasive, for examiner's response, see discussion below:

a) At page 7, 3rd para, claims 22-30, applicant argues "neither Kemp nor Isherwood teach a method for generating a self-directed structural profile from a plan set representing a physical description of a building (post-designed) at a given point in time.

As to the above argument [a], as best understood by the examiner, Kemp specifically directed to user friendly, interactively designing, generating computer aided designs that specifically meets the requirement of structural objects [profile] from a plan that describes for example walls, floors, roofs, windows, doors and like [see Abstract, and background of the Kemp's invention at page 1, col 1, 0005], at minimum, Kemp specifically teaches generating self-directed interactively designing profiles

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b) At page 7, 3rd para, claims 22-30, applicant argues "Although Kemp mentions that information can be stored permanently [0155], it is still entirely concerned with the original design phase of a project, and in no way operates as a stand-alone, self-directed interactive profile that reflects the additions and modifications to a structure throughout its lifespan'

As to the above argument [b] examiner disagree with the applicant because as explained above Kemp specifically teaches user friendly, interactively designing, generating building profile, at the same time Kemp also specifically suggests user has the ability to change or modify model design criteria either global basis or locally and the model will change to suit user's requirement [see page 3, 0038], further Kemp also suggests for example if there is any problem or conflict, Kemp system is capable of as for suggestion or solution or resolution from the user [see page 3, 0038]. It is also noted that Kemp specifically teaches edit, review tool functions that including either add, modify or change or replace [see page 6, 0136], therefore, Kemp teaches stand-alone, self directed interactive profile that is capable of modifications and additions.

c) At page 8, 1st para, claims 22-30, applicant argues, "Isherwood relies on static information that may or may not be manually updated from time-to-time. Isherwood falls short of the concept of a dynamic profiling engine, interfaced with material service and product databases that serves as an ongoing living information framework for a structure ...

As to the above argument [c], Isherwood specifically suggests user interface where user can select manually update from time to time [see col 8, line 13-15], further Isherwood specifically teaches keeping updated correct activity sequence of every project for example a house may or may not have specific item such as pool or basement, these differences are handled, corrected, linked [see col 8, line 42-45] that corresponds to dynamic profiling, also it is noted that Isherwood suggests user is prompted to update information, if there is no reasonable answer or solution found in the dynamic profiling [see col 8, line 42-47].

d) At page 8-9, claims 22-30, applicant argues, "Kemp contrasts his invention [0005] with conventional CAD use. Kemp's invention is more concerned with aiding in the design process by generating a 3D model, rather than the conventional use of lines, arcs, and circles used to describe walls, floors, roofs, windows, doors, etc. The latter according to Kemp does not directly aid in the design process but can only automate the drafting process.

As to the above argument [d], as best understood by the examiner, Kemp specifically discusses architectural, engineering, interior design problems, limitations of related prior art in the background of the invention [see 0005] that including conventional use of lines, arcs, circles and like. It is however, noted that Kemp providing improvement over the existing prior art for example interactively designing

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there dimensional architectural, engineering, and interior models [see 0016], therefore, Kemp teaches aide design process.

e) At page 9, 2nd Para, claims 22-30, applicant argues, "Kemp only discusses 2D dimensional CAD projections as a byproduct, they do not precede the design of a 3D model"

As to the above argument [e], examiner disagree with the applicant because firstly, Kemp specifically teaches CAD system for interactively designing three dimensional models as detailed in page 2, 0034, page 4, 0046 secondly, it is noted that applicant at page 8, last paragraph, admits that "Kemp invention is more concerned with aiding in the design process by generating a 3D model". Further, it is noted that Kemp suggests converting 3-D model into 2-D production drawings or construction documents [see page 3, 0039].

f) At page 9, 2nd para, claims 22-30, applicant argues, "we process 2D post-design plan sets. Kemp is essentially replacing the architect, while we use a plan set as input whether it comes from Kemp, an architect or another source".

As to the above argument, examiner disagree with the applicant because firstly, Kemp specific teaching including 2D dimensional [page 3, 0039], and 3D architectural, engineering and interior design model [see page 2, 0034, page 4, 0046], and it is noted

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that applicant also does 2D design plan sets [page 9, 2nd Para]. Also, it is noted that Kemp does not replacing the architect because, Kemp system specifically teaches user interaction required to build architectural, engineering, and interior design models using CAD whether it is post-design, pre/post-construction design [see page 3, 0035], therefore, Kemp not only teaches 2D design, 3D design related to architectural, engineering, and interior, but also teaches greater flexibility for example edit tool functions [see page 6 0136] for further or future or pre/post construction modifications.

As best understood by the examiner, Kemp is still required licensed architect to approve construction documents because these construction documents may be used legal documents for project construction, contractor bidding, project construction assembly and like [see page 6, 0137], therefore, Kemp does not replace architect.

g) At page 10, 1st Para, claims 22-30, applicant argues, "Kemp is not referring to a plan set representing a physical description of a building. Kemp is simply providing background information.

As to the above argument [g], examiner disagree with the applicant because Kemp specifically suggested architecture and all engineering drawings including especially sections, elevations, proposed construction details for floor plans and like [see page 3, 0039], also examiner agree with the applicant that Kemp also provides

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basic physical description of a building in the background information, therefore, is well known in the art.

h) At page 10, 3rd Para, claims 22-30, applicant argues “ Kemp is designing a building, not generating an interactive structural profile from an existing plan set. Kemp’s method radically differs from ours, requiring the user to literally build a structure component by component.

At page 14, 2nd para, applicant argues that “this feature is clearly intended to support the overall design process. This feature on its own cannot produce an interactive structural profile.

As to the above arguments [h], examiner agrees with the applicant that Kemp is designing building, it is further noted that Kemp is also suggested in the background of the invention process of architectural, engineering, and interior design [see 0005]. Also, as discussed above, Kemp specifically teaches interactively designing three dimensional models for architectural, engineering and interior models that requires to construction details for floor plans, sections and elevations and like that corresponds to build component by component as detailed in page 2, 0020.

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i) At page 10, 4th para, page 11, 1st para, claims 22-30, applicant argues "Kemp's third module provides the ability to convert the 3D model into 2D production drawings or construction documents [0017,0019,0038]. The 2D drawings do not precede the 3D mode, they are a product of the 3D model. Our invention is the reverse of this.

As to the above argument [i], Kemp specifically teaches CAD system especially design expert including three modules i) 3-D model creation ii) 3-D and 2-D model review and editing and iii) 3-D model conversion to 2-D finished drawings [see 0017]. As best understood by the examiner, Kemp suggested modules provides greater flexibility to suite to the user needs, because Kemp suggested 3-D and 2-D and converting 3-D to 2-D models. It is however, not clear what applicant's invention or process is reverse of Kemp.

j) At page 11, 1st para, claims 22-30, 3rd para, applicant argues that "we are generating an interactive structural profile of a building that may be viewed two dimensionally, three dimensional or in data only form.....

As to the above argument [j], examiner disagree with the applicant because Kemp specifically suggested interactively designing not only three dimensional models, but also converting three dimensional models into 2-D models [see 0017, 0034], therefore, generating an interactive structural profile in two dimensional model is integral part of Kemp's teaching.

k) At page 11, last para, page 12, ist para, claims 22-30, Kemp does not discuss any interactive use after the structure has been fully designed and built.

As to the above argument, examiner disagree with the applicant because Kemp specifically teaches user interactively either add, modify or change or replace [see page 6, 0136] to the structure that has been fully designed and built whether it is pre-construction, post-construction, or pre/post-construction.

l) At page 12, 2nd para, claims 22-30, applicant argues that "Kemp and Isherwood deal with construction, however, combining their collective processes does not address the objective of our invention.....

In response to applicant's argument [l] that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Kemp is directed to designing three dimensional models, more specifically interactively designing three dimensional models for architectural, engineering, and interior [see Abstract. Page 1, 0016], while Isherwood is directed to estimating construction projects costs, schedules,

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more specifically flow of project that including schedules, collection of information or records, estimation and costs [see Abstract, col 4, line 35-51], and they both are directed to project design and management and are same field of endeavor. One of the ordinary skill in the art at the time of applicant's invention would have been motivated to combine the references, more specifically modifying Kemp's fig 4 to incorporate the project estimation related components of Isherwood's fig 4 because that would have allowed users of Kemp to control total project value within the defined time and budget, bringing the advantages of cost and time saving as suggested by Isherwood [see col 4, line 1-8], thus improving overall efficiency of the system.

m) At page 12, last para, claims 22-30, applicant argues, "Isherwood cannot automate the Block selection based on a post-design plan set.

As to the argument [m], as best understood by the examiner, Isherwood teaches reliable and automated estimating techniques that may capturing specific independent blocks of data that is associated with par(s) of task [see col 4, line 12-15], tasks may be either post-design plan or pre-construction plan or pre/post-construction plan, further these data blocks capture specific details as detailed in fig 2, 205.

n) At page 13, claim 24, applicant argues "Kemp does not articulate or describe how the codes interrelate with the 3D objects or if it is for reference only"

As to the above argument [n], as best understood by the examiner, Kemp specifically suggests various applicable building, manufacturing, construction industry codes [page 7, 0143], further Kemp also suggests these applicable updated appropriate codes are always available from DEX server connected to the network as detailed in fig 2 because network or internet are connected to the various manufacturer servers, code servers as detailed in fig 2, element 34, 38, therefore, Kemp does suggest using updated applicable codes.

o) At page 13, claim 25, applicant argues "Kemp does not verify if the furnishings are in any way compatible with a given structural profile".

As to the above argument [o], as best understood by the examiner, Kemp teaches interactively designing architectural projects that including interior projects furnishings compatible with given a structural profile [page 4, 0049, fig 6B, element 106].

p) At page 13, claim 26, applicant argues "this preliminary estimate is not based on historical data blocks as taught by Isherwood. It would be impossible to obtain a dynamic estimate based on Isherwoods.....

As to the above argument [p], as best understood by the examiner, Isherwood specifically teaches estimation process using master template that including various items such as site work, utility connections, foundation, floor framing and like [see col 5, line 1-5], if some or any specific element changed, estimator is automatically prompted

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to update template [see col 5, line 12-17], thereby estimator dynamically updates information.

q) At page 13, claim 27, applicant argues that "Isherwood is limited by templates and historical data blocks, thus this method of appropriating materials would not support perpetual dynamic profiling.

As to the above argument [q], as best understood by the examiner, Isherwood specifically teaches estimation process accurately because each time there is additional information available related to specific project, Isherwood captures, updates template as detailed in col 5, line 12-17.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion

The prior art made of record

- a. US Patent No. 2001/0047251
- b. US Patent No. 5918219
- c. US Prov.Appl. 60/186,756

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

- d. US Patent No. 5761674
- e. US Patent No. 6360236
- f. US Patent No. 5950206
- g. US Patent No. 6236409
- h. US Patent No. 6721769
- i. US Patent No. 6085126
- j. US Patent No. 6345258
- k. US Patent No. 5493679
- l. US Patent No. 2004/0083157

- m. Tan,Hock,S et al., "Knowledge construction in

education: A web database for building interactive 3D environments 5 pages [date unknown]

n. Anil S et al., « Internet-based interactive construction management learning system,” internet based construction management learning conference, Phoenix,AZ Dec 1999, session 3226,10 pages

o. Daniel W H, et al. “real world applications of construction process simulation”, proceedings of the 1999 winter simulation conference, pp 956-962

p. Vineet R.Kamat et al., « 3D visualization of simulated construction operations”, proceedings of the 2000 winter simulation conference, pp 1933-1937


q. Norman Murray et al., “ A virtual environment for building construction “ [date unknown], 6 pages

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srirama Channavajjala whose telephone number is 571-272-4108. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popvici, can be reached on 571-272-4083. The fax phone numbers for the organization where the application or proceeding is assigned is 703/872-9306

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Patent Examiner.

November 10, 2004.

SRIRAMA CHANNAVAJJALA
PRIMARY EXAMINER